



## Sri Lanka

### Country Reports on Human Rights Practices - [2004](#)

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Sri Lanka is a republic with an active multiparty system. The popularly elected president, reelected in 1999 to a second 6-year term, and the 225-member Parliament, elected during the year for a 6-year term, share constitutional power. The April parliamentary election was deemed largely free and fair by the European Union Election Observation Mission, except in the north and east, where widespread voter impersonation and multiple voting allegedly occurred. From 1983 until 2001, the Government fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization that advocated a separate ethnic Tamil state in the north and east of the country. In 2001, the Government and the LTTE each announced unilateral cease-fires and signed a formal cease-fire accord in 2002. In April 2003, after participating in six rounds of talks facilitated by the Norwegian Government, the LTTE suspended the negotiations. During the year, both parties violated the 2002 accord, although the LTTE's violations were more numerous and more serious. The judiciary is independent; however, some NGOs claimed that higher levels of the judiciary were subject to political pressure and that corruption, particularly at lower levels, was a problem. Long trial delays and a lack of training and resources for the judiciary further complicated the judicial process.

The Ministry of Internal Security controls the 66,000-member police force, which is responsible for internal security in most areas of the country. The Ministry of Defense controls the 112,000-member Army, the 27,000-member Navy, and the 20,000-member Air Force. Home Guards, an armed militia of more than 20,000 members drawn from local communities and who are responsible to the police, provide security for Muslim and Sinhalese communities located near LTTE-controlled areas. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human right abuses.

The country's economy is market based and primarily driven by the manufacturing and services sector. The population was approximately 19.4 million in 2003, and gross domestic product growth was 5.9 percent in 2003. Public sector wages and benefits kept pace with inflation. On December 26, a large-scale tsunami devastated significant parts of the southern, northern and eastern coastal areas of the country, killing, injuring and displacing thousands of persons.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no reports of security forces committing politically motivated killings and no reports of disappearances; however, there were extensive reports of torture and 13 custodial deaths as a result of police torture. The Government continued investigations into past abuses by armed forces personnel and opened investigations into past abuses by police personnel. Prison conditions remained poor and there were reports of arbitrary arrests during the year. The Government continued to hold 38 Tamils under the Prevention of Terrorism Act (PTA) during the year; however, no new arrests under the PTA occurred. The PTA, like the repealed Emergency Regulations, permitted warrantless arrest and nonaccountable detention. Violence and discrimination against women, and child prostitution occurred. Violence against religious minorities increased, and institutionalized ethnic discrimination against Tamils remained a problem. Trafficking in women and children for the purpose of forced labor occurred, and there was some trafficking of women and children for the commercial sex industry. The Government acted against the child sex trade. Child labor, limitations of worker rights, especially in the Export Processing Zones (EPZs), and discrimination against persons with disabilities continued to be problems.

The LTTE continued to commit serious human rights abuses. The LTTE was responsible for politically motivated killings, arbitrary arrests, torture, harassment, abduction, disappearances, extortion, and detention. The LTTE continued to use and recruit child soldiers. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna and the east. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. There were instances of intimidation of Muslims by the LTTE during the reporting period. The LTTE continued to control large sections of the north and east. The LTTE permitted journalists some access to the areas of the country it controlled. Some LTTE-imposed restrictions remained on freedom of movement of citizens. The LTTE denied those under its control the right to change their government, killed candidates standing for office, did not provide for fair trials, infringed on privacy rights, and discriminated against ethnic and religious minorities.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government; however, human rights organizations and other sources reported that 13 individuals died as a result of torture in police custody.

For example, on February 22, police officers from the Baduraliya Police Station in Kalutara District reportedly assaulted Bellanavithanage Sanath Yasaratne while investigating a family quarrel at his sister's home. Yasaratne fled, and a police officer shot and killed him. At year's end, police were still investigating the case.

On April 19, Muthuthanthrige Chamal Ranjith Cooray died from injuries sustained during 2 days of torture at the Modara Police Post and Moratuwa Police Station in Colombo district. At year's end, the investigation continued.

On October 3, according to media and human rights organization reporting, Polonnaruwa police allegedly killed Herman Quintus Perera after he reportedly refused to sell police liquor on a holiday on which liquor sales were prohibited. Police took Perera and three other persons to the Polonnaruwa Police Station, where the next morning Perera died. A police officer claimed Perera was killed in a fight, but this claim was uncorroborated by other police. At year's end, four policemen were arrested and remained in custody pending trial.

On November 21, unknown assailants shot Gerald Perera in Wattala. Perera, who was scheduled to testify on December 2 about alleged torture he had undergone in 2002, died 3 days later from the shooting. On December 23, a police sub-inspector and the suspected gunman were arrested in the case, and at year's end, their trials were pending.

No charges were filed against police in the July 2003 death in custody of Sunil Hemachandra, and there were no developments in the November 2003 S.L. Kulatunga death in custody.

Security force impunity remained a problem. At year's end, the Government continued to investigate 5 past cases of rape, 100 past cases of torture, and approximately 1,240 past cases of disappearance. In July 2003, 5 individuals, including 2 police officers, were sentenced to death in the court proceedings involving the 2000 Bindunuwewa rehabilitation camp deaths of 27 Tamil men. The sentences were immediately commuted to 23 years' rigorous imprisonment.

On November 19, High Court Judge Sarath Ambepitiya and his bodyguard were shot and killed by four assailants outside Ambepitiya's Colombo residence. Ambepitiya had presided over several high-profile narcotics cases and was scheduled to hear another narcotics case the following week. Several arrests for the killings had been made by year's end.

In 2003, representatives of the victims of the 1992 massacre of 35 Tamil civilians in the village of Mailanthani requested that the Attorney General (A.G.) appeal the 2002 acquittal of the 21 soldiers accused of the killings. The A.G. did not grant the appeal during the year, and the case remained closed on the final verdict.

In March, when the eastern military LTTE leader Karuna split from the northern Vanni LTTE, 120 LTTE cadre and civilians died in fighting that ensued between the 2 LTTE factions in the east. There were reports that the Government provided aid to the Karuna faction.

During the year, there was credible evidence that, in addition to the 120 cadres and civilians killed in fighting between LTTE factions in March, the LTTE killed more than 81 members of anti-LTTE Tamil political groups, LTTE cadres loyal to Karuna, alleged Tamil informants for the security forces in the north, the east, and in Colombo, and civilians. Both current and former members of anti-LTTE Tamil political parties were targeted by the LTTE. During the year, 10 current and past anti-LTTE Eelam People's Democratic Party (EPDP) members were killed, including V. R. Kamalan, an eastern town council leader, and Media Secretary Balanadarajah Iyer. In March, unknown assailants killed Sinnathamby Sunderpillai, a candidate in the country's parliamentary elections. The assailants killed Sunderpillai at the hospital after failing to kill him near his home earlier in the day. Credible sources indicated that after the fighting in March, the LTTE killed an additional 43 members of breakaway military leader Karuna's group. On August 24, Karuna supporter Periyaamma Jayakumar was killed, and two prison officials injured, when a LTTE member shot Jayakumar in the Magistrate's courtroom in Akkaraipattu in Ampara District. On July 15, an inmate in the Batticaloa prison with allegiance to the Vanni faction of the LTTE killed pro-Karuna cadre Kanapathipillai Mahendran (see Section 2.a.).

The LTTE also targeted alleged Tamil informants to the military, killing 10 during the year, including Kandaiah Yoharasa and Tissaveerasingam Dushyanthan.

On July 7, a suspected LTTE suicide bomber detonated explosives attached to her body at a police station, killing herself and four policemen. Her intended target was believed to be Hindu Affairs Minister Douglas Devananda, a long-time anti-LTTE Tamil politician.

After the fighting in March, Karuna's group allegedly killed 26 LTTE cadres, including S. Senathirajah, the LTTE political leader

for Batticaloa. Karuna's group also killed 7 civilians, including LTTE supporter, journalist Aiyathurai Nadesan, who was killed in Batticaloa on May 31 (see Section 2.a.). There were reports that the Government provided protection and military aid to Karuna and his cadres to assist them in their fight against LTTE cadre.

#### b. Disappearance

There were no reports of politically motivated disappearances at the hands of the security forces during the year.

The 2000 U.N. Working Group on Enforced or Involuntary Disappearances listed the country as having an extremely large number of "unclassified" disappearances. There were no developments in any of these cases during the year. From 1995 to 2003, the Rehabilitation of Persons, Property & Industries Authority paid compensation to the next of kin of 17,740 missing persons. At year's end, the Ministry of Relief, Rehabilitation and Reconciliation was seeking cabinet approval to compensate another 960 next of kin. Since 2000, 12 disappearances were reported by the U.N. Working Group, 7 of which are still pending.

In 2002, the Government formed a new commission to investigate disappearances that occurred in the Jaffna area during 1996-97. During the year, the Commission issued letters to next of kin confirming that after being arrested by security forces, the victims disappeared. Next of kin have used these letters to support habeas corpus cases, and at year's end there were 45 cases pending.

Unlike in previous years, there were no indictments, investigations, or prosecutions of security force personnel for past disappearances. Regional commissions, 3 established in 1994 and a 4th established in 1998, reported a total of 21,215 disappearances between 1988 and 1994, most of which occurred during the 1988-89 period of the Janatha Vimukthi Peramuna (People's Liberation Front-JVP) uprising. The commissions found that many people disappeared after having been removed involuntarily from their homes, in most cases by security forces. There were no developments in any of these cases during the year, and none were expected.

During the year, the LTTE continued to detain civilians, often holding them for ransom, especially Muslims in the east. In July, the LTTE abducted 13 Trincomalee-area Muslims who were collecting firewood and demanded ransom for their release. The 10 who were released that same day were forced to provide manual labor, while the other 3 were held for several days and severely beaten before being released (see Sections 1.c. and 1.g.).

At year's end, there were more than 120 reports that the LTTE had abducted adults.

#### c. Torture and Other Cruel, Inhuman or Degrading

##### Treatment or Punishment

The Convention Against Torture Act (CATA) of 1994 makes torture a punishable offense; however, the CATA does not implement several provisions of the U.N. Convention Against Torture, and human rights groups maintain that while torture is prohibited under specific circumstances it is allowed under others. According to Human Rights Commission (HRC) and other sources, the use of police torture to extract admissions and confessions was routine and conducted with impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court; however, no arrests were made under the PTA during the year (see Section 1.d.).

Methods of torture included beatings, often with wire or hose, electric shock, the suspension of individuals by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near-drowning. In other cases, victims were forced to remain in unnatural positions for extended periods or had bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees reported broken bones and other serious injuries as a result of their mistreatment, and during the year 13 deaths occurred in police custody (see Section 1.a.).

Of the 42 allegations of police torture, complaints came disproportionately from police stations outside the north and east.

There were credible nongovernmental organization (NGO) reports that some police tortured individuals in custody. For example, the Asian Human Rights Commission (AHRC) reported that on January 5, police in uniform and civilian attire from the Matale Police Station poured boiling water for 10 minutes on the genitals and thigh of Jayasekara Viathanage Saman Priyankara, resulting in serious burns. Priyankara was again tortured after Matale police illegally arrested him following his filing of a complaint against police for the initial torture. The National Police Commission (NPC) was investigating the incident at year's end.

On February 2, according to AHRC and media reports, Palitha Tissa Kumara Korallaliyanage was illegally arrested and tortured in the Welipenna Police Station in Kalutara District. Police severely beat Korallaliyanage with a cricket bat and forced a tuberculosis patient to spit into his mouth. Korallaliyanage was later diagnosed with tuberculosis. In May, the Supreme Court agreed to hear Korallaliyanage's case, which was still pending at year's end.

On September 27, Mr. Ruwan Chandrasekera, an officer at the Jaffna Human Rights Commission office, was assaulted by

police from the main Jaffna Police Station while investigating a complaint from a detainee's family about incommunicado detention. HRC filed a torture case against the police officer. At year's end, the HRC and the Senior Superintendent of Police in Jaffna were investigating the case (see Sections 1.d and 4).

Unlike in previous years, there were no reported cases of rape or sexual assault in custody. According to Amnesty International, Nandini Herat, arrested in 2002 for theft, was subjected to sexual torture while in the custody of the Wariyapola police in Kurunegala District. In July 2003, the Officer in Charge of Wariyapola police and five others were charged in the High Court under CATA. During the year, the case filed against Herat was dismissed from the Magistrate's Court at Wariyapola, and the three police officers who allegedly tortured her were indicted under CATA by the Kurunegala High Court. At year's end, the case was pending.

Under fundamental rights' provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from approximately \$142 (14,200 rupees) to \$1,825 (182,500 rupees). The guilty party paid fines based on the decision of the judge hearing the case. In some cases, the Government did not pay fines incurred by security force personnel found guilty of torture.

Special sections of the A.G.'s Office and the Criminal Investigation Unit focused on torture complaints. During the year, the units forwarded 44 cases for indictments, of which 11 resulted in indictments, with the remaining cases pending at year's end. There were two convictions from indictments in earlier years. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues also continued to track criminal investigations of torture. In June, the HRC established a Torture Prevention Monitoring Unit to implement its "zero tolerance" torture policy (see Section 4). The HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. The HRC also assigned special teams to investigate deaths in police custody. By year's end, it was not possible to assess the success of this unit in handling torture complaints.

Prison conditions did not meet international standards; acute overcrowding and lack of sanitary facilities were the main causes. Women were held separately from men. In some cases, juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted.

The Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC), which during the year conducted 60 visits to 22 permanent places of detention, including prisons and some police stations. During the year, representatives from the national office of the HRC visited 142 police stations and 5 detention centers, while representatives from regional offices of the HRC visited 250 police stations and 19 detention centers.

The LTTE used torture on a routine basis (see Section 1.b.).

Conditions also reportedly were poor in LTTE-run detention facilities. The ICRC conducted 6 visits to 2 LTTE-controlled prison facilities, and 18 visits to 14 LTTE-operated police stations. Credible observers reported that conditions in these prisons were acceptable, in that they were on a par with local standards. The ICRC has not had access to other places of detention in LTTE-controlled areas in the Vanni and the east (see Section 1.d.).

#### d. Arbitrary Arrest or Detention

The Ministry of Internal Security controls the 66,000-member police force, which includes the 6,000-member paramilitary Special Task Force, and is responsible for internal security in most areas of the country. Senior officials in the police force handle complaints against the police, as does the civilian-staffed National Police Commission. Impunity, particularly for cases of police torture, was a problem. Several NGOs claimed that corruption was also a problem in the police force.

In 2002, the Government established the NPC, composed entirely of civilians, and authorized it to appoint, promote, transfer, discipline, and dismiss all police officers other than the Inspector General of Police; however, in practice, the NPC devolved responsibility for discipline of less senior police officers to the Inspector General of Police. The NPC has the power to establish procedures to investigate public complaints against the police. During the year, the NPC handled 1,192 complaints, of which 10 percent were forwarded to local Superintendents of Police for further action.

The law prohibits arbitrary arrest and detention; however, there were reports of arbitrary arrest and detention during the year. Police do not need an arrest warrant for certain offences, such as murder, theft, robbery, and rape. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appeared within a few days before a magistrate, who can authorize bail for bailable and many nonbailable offences, at his or her discretion, or order continued pretrial detention for up to 3 months or longer. For certain offences, such as murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases, suspects have the right of representation. Counsel is provided for indigent defendants in criminal cases before the high court and the courts of appeal, but not in other cases.

Impunity remained a problem. In the majority of cases in which security forces personnel may have committed human rights abuses, the Government has not identified those responsible or brought them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of the CATA-directed 7-year mandatory sentence for

committing torture. According to human rights organizations, obtaining medical evidence was difficult, as there were only 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases, doctors were intimidated by police, which made obtaining accurate medical reporting on torture victims difficult.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.

In February, the President granted amnesty to 2,000 prisoners. Pardons were not granted to those prisoners sentenced for unlawful assembly, bribery, burglary, theft, treason, abduction, cruelty to children, narcotic offenses, or rape.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The President appoints judges to the Supreme Court, the High Court, and the courts of appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the High Court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. In addition, the Legal Aid Commission offered legal aid to assist those who could not afford representation; however, some sources report that its representatives extorted money from beneficiaries. There are no jury trials in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in criminal proceedings but are allowed in PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.

Most court proceedings in Colombo and the south were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east were in Tamil and English. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, an Appeals Court judge, and a Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the Government has complied slowly with legislation requiring that all laws be published in English, Sinhala, and Tamil.

In July, the U.N. Human Rights Committee (UNHRC) reviewed the case of Nallarathnam Singarasa, an ethnic Tamil who was arrested in 1993 during the conflict between the Government and the LTTE. Singarasa claimed he was tortured and made to sign a confession he could not read. The UNHRC found that his right to a fair trial had been violated and called for his release or retrial. In August, the Government was given 90 days to respond to the UNHRC recommendation, but it had not responded, and at year's end, Singarasa remained in prison.

The Government permits the continued existence of certain aspects of personal laws discriminating against women in regard to age of marriage, divorce, and devolution of property (see Section 5).

During the year, the LTTE continued to expand the operations of its court system into areas previously under the Government's judicial system in the north and east. On July 28, the LTTE opened a court complex in Mannar. With the expansion, the LTTE demanded that all Tamil civilians stop using the Government's judicial system and rely only on the LTTE's legal system. Credible reports indicated that the LTTE implemented the change through the threat of force.

The LTTE has its own self-described legal system, composed of judges with little or no legal training. LTTE courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. In June, according to press reports, LTTE courts tried two men for sedition near Batticaloa and ordered their execution.

The LTTE reportedly held a number of political prisoners. The number was impossible to determine because of the secretive nature of the organization. The LTTE refused to allow the ICRC access to these prisoners (see Section 1.c.).

#### f. Arbitrary Interference with Privacy, Family, Home, or

##### Correspondence

The Constitution provides for the right to privacy, and the Government generally respected this provision in practice; however, it infringed on citizens' privacy rights in some areas. Police generally obtained proper warrants for arrests and searches conducted under ordinary law.

The LTTE routinely invaded the privacy of citizens by maintaining an effective network of informants. The LTTE forcibly recruited

over 1,000 children during the year (see Section 6.d.). However, during the year, the LTTE also released 613 children, at least 219 of whom were later re-recruited. There were intermittent reports of children as young as 8 years escaping from LTTE camps. After the March fighting between LTTE factions, some Tamils in the east were forced to relocate to the north, and some Tamils in the north were forced to relocate to the east. They were allowed to return later in the year.

#### g. Use of Excessive Force and Violations of Humanitarian

##### Law in Internal and External Conflicts

The LTTE routinely used excessive force in the war, including attacks targeting civilians. Since the peace process began in 2001, the LTTE has engaged in kidnapping, hijackings of truck shipments, and forcible recruitment, including of children.

The LTTE expropriated food, fuel, and other items meant for internally displaced persons (IDPs), which resulted in a high rate of anemia, high levels of malnutrition, and low birth rates for IDPs in LTTE-controlled areas.

Landmines were a serious problem in Jaffna and the Vanni, and, to some extent, in the east (see Section 5). Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of IDPs and rebuilding. At the end of 2002, a U.N. team established oversight for a mine removal program. In 2003, a U.N. team established a landmine map database, which was shared with all 10 demining agencies that worked in the country. The Government reported 20 mine-related deaths and 34 mine-related injuries during the year.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. Individuals could criticize the Government without fear of reprisal. In the past, the Government restricted press freedom, often using national security grounds permitted by law. In 2002, criminal defamation laws, which had been used often by the Government to intimidate independent media outlets, were eliminated. Private television stations imposed their own, informal censorship on international television news rebroadcast in the country.

Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. Most independent media houses freely criticized the Government and its policies. The Government imposed no political restrictions on the establishment of new media enterprises; however, in February, the Government cancelled the license of a new television channel planned by Asian Broadcasting Corporation.

Unlike in previous years, travel by local and foreign journalists to conflict areas was not restricted.

In its final report, the European Union Election Observation Mission reported that in the period before the April election, the government-owned media displayed an evident bias towards the President's United People's Freedom Alliance (UPFA) coalition and disregarded its duty to provide equitable and fair coverage of the election contestants.

On March 23, the International Federation of Journalists (IFJ) wrote to the President and Prime Minister protesting the March 18 suspension of Lakshman Gunasekera, the editor of the Sunday Observer, a government-owned English language weekly. IFJ's letter suggested Gunasekera's suspension was a result of his writing that state-owned media should maintain a neutral position during election periods. At year's end, Gunasekera had not been reinstated.

On March 28, police raided the Colombo premises of the English language weekly Sunday Leader, known for its investigative reporting. Reporters Without Borders quoted the weekly's publisher, Lasantha Wikramatunga, as saying that police did not have a warrant and that the search was part of the Government's ongoing harassment of the weekly.

On March 29, under Article 27 of the 17th Amendment to the Constitution, the independent Elections Commission took control of government-owned television and radio until the declaration of election results.

In December, the Batticaloa office of Thinakkural, a Tamil daily, was attacked with grenades on two separate occasions by unknown perpetrators, injuring two employees of the newspaper. On December 6, unidentified assailants entered a television and radio transmission station owned by MTV/MBC, an independent network in Jaffna, injuring a guard and vandalizing and damaging equipment. By year's end, no arrests had been made in connection with these incidents.

In 2002, defamation laws were repealed and all cases pertaining to the defamation laws were dropped. During the year, the Government did not restrict access to the Internet.

The LTTE tightly restricted the print and broadcast media in areas under its control. There were also reports of LTTE intimidation

of Colombo-based Tamil journalists, and self-censorship was common for journalists covering LTTE controlled areas.

On May 31, pro-Karuna LTTE cadres killed Tamil journalist Aiyathurai Nadesan in Batticaloa. On August 16, in Colombo, the LTTE killed Tamil newspaper journalist and senior EPDP politician Bala Nadarajah Iyer.

In March and April, according to credible sources, pro-Karuna LTTE cadres in the east stopped the distribution of the independent Tamil daily Thinakkural on several occasions.

The LTTE restricted academic freedom, and it repressed intellectuals who criticized its actions. On March 24, according to media reporting and University Teachers for Human Rights (Jaffna) (UTHRJ), the Acting Dean of the Agriculture faculty of the Eastern University, T. Thiruchelvam, was shot and injured by the LTTE at his home in Batticaloa. UTHRJ reported that Thiruchelvam had worked many years for the protection of the eastern region's environment and cultural identity.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, some restrictions existed.

The 1981 Referendum Act states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups.

On May 26, according to the NGO Home for Human Rights, police in Kotagala used tear gas on a crowd of 2,000 persons protesting the closure of Sripada College. Police allegedly beat four protesters who sought medical attention for their injuries. The Supreme Court did not hear the fundamental rights cases brought by the four injured protesters.

The LTTE does not allow freedom of association in the areas it controls and reportedly used coercion to make persons attend its rallies. In July, the Sri Lanka Army protested LTTE coercion of large numbers of school children to attend the July 5 Black Tigers Day in Jaffna.

#### c. Freedom of Religion

The Constitution accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice.

Foreign clergy may work in the country, but the Government sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the Government.

During the year, there were at least 30 confirmed reports of assault on Protestant and Catholic churches and church members by Buddhist mobs, often led by extremist Buddhist monks. Village police often were reluctant to pursue Buddhist monk agitators out of deference for their position; however, in February police arrested three Buddhist monks and four other persons for an attack on the Kebithigollwa office of the Christian NGO World Vision and charged them with arson. The arrested persons were freed on bail and the investigation continued at year's end.

In May, an M.P. of the Jathika Hela Urumaya party formally presented to Parliament a draft anticonversion bill as a private member's bill. Several groups submitted Supreme Court petitions challenging the constitutionality of the draft; in August, the Supreme Court ruled that portions of the bill were unconstitutional. At year's end, the bill faced a protracted legislative process prior to a parliamentary vote and did not become law.

Most Muslims expelled by the LTTE since 1990 remain displaced. During the year, the LTTE continued the intimidation of Muslims in the east, although LTTE extortion of Muslims lessened. It appeared that attacks by the LTTE against Muslims were not religiously motivated but were, instead, part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism.

Unlike in previous years, there were no reports that the LTTE used churches and temple compounds to congregate in the event of hostilities or as shields for the storage of munitions.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41744.htm).

#### d. Freedom of Movement Within the Country, Foreign

Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]", and the Government generally respected these rights in practice; however, it restricted the movement of Tamils. The war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Unlike in previous years, Tamils no longer were required to obtain police-passes to move around the country; however, they were frequently harassed at checkpoints throughout the country.

Limited access continued to certain areas near military bases and High Security Zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Some observers claimed the High Security Zones were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In August, the Government lessened restrictions at one site in Chavakachcheri and allowed farmers and their families to return to their land; however, the general public was still denied access to this area. The LTTE limited travel on the road connecting Jaffna to the rest of the country.

According to the United Nations High Commissioner for Refugees (UNHCR), as of October, 377,776 IDPs had returned to their places of origin, leaving roughly 353,624 IDPs displaced by the conflict in the country. There were 295 camps for those displaced by ethnic conflict, and during the year, 78,398 persons were in welfare centers, and 275,226 were staying with friends or relatives. According to various sources, approximately 65,000 IDPs were unable to resettle as a result of the High Security Zones. The UNHCR found sexual abuse to be endemic in IDP camps. According to the UNHCR, 5,633 Tamil refugees had returned from India during the year. During the year, the Government began a program to relocate 1,500 IDPs to state lands in Vavuniya and Kilinochchi Districts in the north.

Most of the 46,000 Muslims expelled in 1990 by the LTTE remained displaced and lived in or near welfare centers. Unlike in previous years, the LTTE invited the Muslim IDPs to return home, asserting they would not be harmed. Although 500 Muslim IDPs returned home during the year, the majority did not move and awaited a guarantee from the Government for their safety in LTTE-controlled areas.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE taxed civilians traveling through areas it controlled.

The law does not provide for the granting of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has not established a system for providing protection to refugees; however, the Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. There were no reports of refoulement, the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to

#### Change Their Government

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through multiparty, periodic, free, and fair elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. The President (elected in 1999 for a 6-year term) holds executive power, while the 225-member Parliament, elected in April, exercises legislative power.

In February, the President dissolved Parliament and called for a general election in April, in which the President's alliance, the UPFA, received 45 percent of the vote. The UPFA did not win enough seats to command a majority in Parliament, but it was able to form a government headed by Prime Minister Mahinda Rajapakse. The April parliamentary election was largely free and fair. The EUEOM described the election as having been conducted in a democratic matter, with the exception of irregularities in the north and east, where widespread voter impersonation and multiple voting occurred. Several sources cited the LTTE as responsible for the irregularities. The EUEOM reported that more than 2,000 incidents of election violence occurred, resulting in the deaths of 5 persons and the serious injuring of another 15. Voter turnout was 75 percent. Unlike in previous elections, the Government allowed persons living in LTTE controlled areas to vote in cluster polling booths in government-controlled areas.

In October, the Parliament passed a bill to require all citizens to present a national identity card when they vote. The Government provided for a 1-year grace period because many Tamils living in the north, east, and hill country did not have identity cards, and the Government allowed local poll supervisors to accept other forms of identification during this period.

There was corruption in the executive and legislative branches. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions. TI also noted that low frequency but high-value "big-ticket" corruption was a problem in tender processes and establishing business operations. Until 2003, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) did not operate fully. Some sources described as difficult the procedure for prosecution on corruption charges. At year's end, CIABOC had received 1,543 complaints, 48 of which were in the court system. No major cases of bribery resulted in conviction.

There was no law providing for public access to government information.

There were 9 women in the 225-member Parliament. There was one woman in the Cabinet, and two sat on the Supreme Court.



In December 1999, a woman, Chandrika Kumaratunga, was elected President for a second term. There were 28 Tamils and 26 Muslims in the 225-member Parliament. There was no provision for or allocation of a set number/percentage of political party positions for women or minorities.

The LTTE continued to refuse to allow elections in areas under its control, and opposed campaigning by certain Tamil parties in the east during the April parliamentary elections. Credible sources reported that there were two killings of candidates in the east--a UNF candidate, S. Sunderampillai; and a TNA candidate, R. Sathiyamoorthi--as well as killings of three supporters of political parties.

#### Section 4 Governmental Attitude Regarding International and

##### Nongovernmental Investigation of Alleged Violations of

##### Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Many domestic human rights NGOs, including the Consortium of Humanitarian Agencies; Home for Human Rights; the University Teachers for Human Rights, Jaffna; the Civil Rights Movement; and the Law and Society Trust monitored civil and political liberties. There are no restrictive regulations governing the activities of local and foreign NGOs, although the Government officially required NGOs to include action plans and detailed descriptions of funding sources as part of the registration process it requires at an NGO's commencement of work and every 5 years thereafter. Some NGO workers viewed this as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups' criticisms. Most NGOs complied with these reporting requirements.

On March 29, the Government submitted a report to the UNHRC as a part of its reporting responsibilities under the Convention Against Torture. The U.N. did not evaluate the report during the year, and it remained confidential.

In September, AHRC alleged that the Government tried to discredit it in a letter to a German-based NGO, Action of Christians Against Torture, suggesting that the AHRC had been engaged in a campaign of vilification against the Government.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). The ICRC provided international humanitarian law training materials and training to the security forces. During the year, the ICRC also delivered health education programs in LTTE-controlled areas in the north and east (see Section 1.g.).

The HRC by statute has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the HRC often was not as effective as it should have been. The HRC did not have enough staff or resources to process its caseload of 6,720 pending complaints. The HRC adopted a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator. In December, HRC issued an annual report for 2003. In June, the HRC established a Torture Prevention Monitoring Unit in its headquarters and three of its regional offices to implement its zero tolerance torture policy. HRC provided extra training for officers assigned to this unit, and established a policy of quick investigation for torture complaints. To ensure its sustainability, HRC urged the Treasury to cover costs of the Torture Prevention Monitoring Unit.

During the year, there were instances of interference with HRC investigations. In June, HRC officers attempting to investigate a complaint of torture were harassed and intimidated by police officers at the Paiyagala Police Station in Kalutara District. On September 27, a police officer assaulted HRC officer Ruwan Chandrasekera who was investigating a complaint at the Jaffna Police Station (see Sections 1.c. and d.).

In July, the LTTE set up the Northeast Secretariat of Human Rights (NESOHR). By year's end, NESOHR had drafted terms of reference and had begun to hear some of the complaints it had received.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal rights under the law for all citizens, and the Government generally respected these rights in practice; however, there were instances where sex-based discrimination occurred. The HRC is a mechanism the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

##### Women

Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and judicial officials was necessary.

During the year, the Bureau for the Protection of Children and Women received 1,190 complaints of violent crimes against women.

Unlike last year, there were no reported incidents of rape or attempted rape by security forces. At year's end, a case was pending in the October 2003 charge that two policemen attempted to rape Mrs. Selvarajan in Uyilankulam in Mannar District. No case was filed in the August 2003 charge that three soldiers attempted to rape a woman in Vadamarachchi in the Jaffna Peninsula. During the year, police reported approximately 928 rape investigations in the country compared with 900 rape investigations in 2003. Services to assist victims of rape and domestic violence such as crisis centers, legal aid, and counseling were limited.

Prostitution, which was not legal, occurred during the year. Some members of the police and security forces reportedly participated in or condoned prostitution. Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the purpose of forced labor occurred (see Section 5, Trafficking).

Sexual harassment is a criminal offense carrying a maximum sentence of 5 years in prison; however, these laws were not enforced.

The Constitution provides for equal employment opportunities in the public sector. However, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work, often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Even though women constituted approximately one-half of the formal workforce, according to the Asian Development Bank (ADB), the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low-paid, low-skill jobs in the formal and informal sectors.

In December, UNHCR launched a media campaign to promote awareness of sexual and gender-based violence, including sexual harassment in the workplace, and violence against women and children, and domestic abuse.

Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at 15. Women were denied equal rights to land in government-assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

#### Children

The Compulsory Attendance at Schools Act requires children between the ages of 5 and 14 to attend school, and the Government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. In 2002, police opened an office to work directly with the National Child Protection Authority (NCPA) on children's issues, to support NCPA investigations into crimes against children, and to arrest suspects based on those investigations.

Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA included representatives from the education, medical, retired police, and legal professions and reported directly to the President. During the year, the Bureau for the Protection of Children and Women received 1,841 complaints of violent crimes against children.

The Government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalties for pedophilia range from 5 to 20 years imprisonment and an unspecified fine. During the year, 39 cases of pedophilia were brought to court and were pending at year's end. Child prostitution was a problem in certain coastal resort areas. The Government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was as high as 6,000. Citizens committed much of the child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution (see Section 5, Trafficking). The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The Tourist Bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

The LTTE used child soldiers and recruited children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13 years of age, surrendered to the military or the Sri Lanka Monitoring Mission, and credible reports indicated that the LTTE stepped up recruiting efforts, especially in the east (see Section 1.g.). During the year, credible sources reported that there were over 1,000 cases of forcible child recruitment by the LTTE and that more than 5,000 children

remained in LTTE custody at year's end. In 2003, the LTTE and UNICEF reached an agreement on the demobilization and rehabilitation of child soldiers and began work on an action plan to address issues relating to child labor, including underage recruitment. Several sources reported that the action plan was not working because of LTTE obstruction. Senior LTTE officials alleged to foreign officials that child soldiers were volunteers.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. The country was a source for women who were trafficked to Lebanon, Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, and Qatar for the purposes of coerced labor and sexual exploitation. A smaller number of Thai, Chinese, and Russian women were trafficked to the country for commercial sexual exploitation. Women and children were trafficked internally for domestic and sexual servitude. Boys and girls were victims of commercial sexual exploitation by pedophiles in the sex tourism industry.

The legal penalties for trafficking in women include imprisonment for 2 to 20 years and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years and a fine.

In 2003, law enforcement efforts against trafficking improved with the introduction of a computerized immigration system that expanded the number of officials who could input names of suspected traffickers or sex tourists, thereby subjecting them to investigation and preventing them from leaving the country. The NCPA instituted a CyberWatch Project to monitor suspicious Internet chat rooms. Sting operations were conducted based on information gathered in these chat rooms, leading to several trafficking arrests. For those convicted, the sentence was 1 year of rigorous imprisonment and a fine of \$1,000 (100,000 rupees).

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere, a domestic NGO, estimated that there were 6,000 male children between the ages of 8 and 15 years engaged as sex workers at beach and mountain resorts. Some of these children were forced into prostitution by their parents or by organized crime.

The NCPA has adopted, with the International Labor Organization (ILO) assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work in 2002 on children's issues, including trafficking in children.

The Government established rehabilitation camps for trafficking victims and initiated awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.

#### Persons with Disabilities

The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided some financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination.

#### National/Racial/Ethnic Minorities

There were approximately 1 million Tamils of comparatively recent Indian origin, the so-called hill, tea estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past, approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In October 2003, Parliament passed a bill granting full citizenship to over 300,000 tea estate Tamils. In August, UNHCR began awareness campaigns to alert Tamils to the new legislation and by year's end had registered approximately 200,000 persons.

Both local and hill Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the Government. According to HRC, Tamils also experienced discrimination in housing.

#### Indigenous People

The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life

of the nation. Some Veddass complained that they were being pushed off their land in protected forest areas.

#### Other Societal Abuses and Discrimination

Penal Code Section 365a criminalizes homosexual activity between men and between women; however, it was not enforced. NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the Government. During the year, human rights organizations reported that police harassed, extorted money from, and assaulted gay men in Colombo and other areas.

There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS; however, there was some societal discrimination against these groups.

#### Section 6 Worker Rights

##### a. The Right of Association

The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice, such rights were subject to administrative delays. Nonetheless, approximately 20 percent of the 7 million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than 1 million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. In 2003, the Ministry of Employment and Labor registered 168 new unions and canceled the registration of 64 others, bringing the total number of functioning unions to 1,604 by the end of 2003. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration.

Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Antiunion discrimination is a punishable offense liable for a fine of \$200 (20,000 rupees).

##### b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining; however, very few companies practiced it. At year's end, about 50 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements. All collective agreements must be registered at the Department of Labor. Data on the number of collective agreements registered at the Department of Labor were not available. More than half of EFC's 435-strong membership was unionized.

All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. The President retains the power to designate any industry as an essential service.

The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking.

Under the law, workers in the EPZs have the same rights to join unions as other workers. While the unionization rate in the rest of the country was approximately 20 percent, the rate within the EPZs was under 10 percent. Fewer than 10 unions were active in EPZs, partially because of severe restrictions on access by union organizers to the zones. Trade unions were formally recognized in 8 out of approximately 200 factories in the EPZs. In a few other factories, management has begun discussions with the unions. There was only one operating collective agreement in the EPZs during the year. Labor representatives alleged that the Government's Board of Investment (BOI), which managed the EPZs, including setting wages and working conditions in the EPZs, discouraged union activity. The short-term nature of employment and the relatively young workforce in the EPZs, made it difficult to organize.

Labor representatives alleged that the Labor Commissioner, under BOI pressure, failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions.

According to the International Confederation of Free Trade Unions, during the year there were some violations of trade union rights in the EPZs. The nonrecognition of trade unions became a contentious issue, in part because of obligations under various multilateral and bilateral trade agreements.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor; however, there were reports that such practices occurred. The law does not prohibit forced or bonded labor by children specifically, but government officials interpreted it as applying to persons of all ages (see Section 6.d.). There were credible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. A recent amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. A child activity survey, carried out in 1998 and 1999 by the Department of Census and Statistics, found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work throughout the country.

Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in nonplantation agriculture. Sources indicated many thousands of children were employed in domestic service, although this situation was not regulated or documented. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. A 2003 International Labor Organization/International Program for Elimination of Child Labor (IPEC)-sponsored Rapid Assessment survey on domestic child labor in five districts found child domestic workers (under 18 years) in roughly 2 percent of households.

The National Child Protection Authority (NCPA) is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor (DOL), the Department of Probation and Child Care Services, and the Police Department are responsible for the enforcement of child labor laws. The NCPA and DOL have observed a declining trend in employment of children under 14 years due to stricter regulations and increasing public awareness regarding child labor. The Labor Department reported 203 complaints of child labor in 2003, with 65 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 44 cases in 2003. During the year, the Labor Department reported 64 complaints, with 9 cases withdrawn and 19 prosecuted. Penalties for employing minors were increased from approximately \$10 (1,000 rupees) and/or 6 months imprisonment to \$100 (10,000 rupees) and/or 12 months imprisonment.

Although the law prohibits forced or bonded labor by persons of any age, some rural children reportedly have served in debt bondage (see Sections 5 and 6.c.).

The LTTE used children as young as age 13 years in battle, and children often were recruited forcibly (see Section 5, Children).

During the year, a UNICEF-supported action plan sought to restore normalcy to former LTTE child soldiers through release and reintegration. Under this program, UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE.

As required by ILO Convention 182, the Government identified a list of 50 occupations considered to be the worst forms of child labor (for children under 18 years). Laws proscribing these worst forms of child labor have not been formulated.

#### e. Acceptable Conditions of Work

While there is no universal national minimum wage, 38 wage boards established by the Ministry of Labor set minimum wages and working conditions by sector and industry. These minimum wages did not provide a decent standard of living for a worker and family. In late 2003, the Ministry of Labor began increasing the minimum wages of all wage boards by a minimum of 15 percent; however, at year's end, this process had not been completed for garment and hotel worker wages.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5½-day workweek). New regulations limited the maximum overtime hours to 15 per week. Labor organizers were concerned that the new legislation did not include a provision for overtime with the consent of the worker. Workers receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent, seasonal and part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent and feared that they would lose their jobs if they removed themselves from the work situation.